IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4 of 1997

WITH

CIVIL APPLICATION NO. 2451 OF 2002

Narayan Sadashiv Tavare Patil .. Petitioner

versus

Divisional Commissioner & ors. .. Respondents

...

Mr.S.M. Dange for the petitioner.

Mr.S.M. Sabrad for the applicant.

Mr.Vinay Sonpal, AGP for respondent nos.1 to 4.

CORAM : Smt.Ranjana Desai &

A.P. Deshpande, JJ

DATED : 24th July 2006.

P.C.:

1. In this petition, residents of Ambi village

have challenged the auction of rights of extraction of sand from river bed held on 3.12.96. Respondent no.5 Arvind Sahebrao Dhamdhere was declared highest bidder and the Additional Collector granted the necessary sanction on 18.12.96. The case of the petitioners is that extraction of sand will lead to ecological imbalance ultimately leading to devastation in the village. The petitioners have therefore prayed for setting aside of the auction. We are informed that the Government has allotted alternate site to respondent no.5 Arvind S. Dhamdhere at Shrirampur. In view of this, this petition does not survive and will have to be disposed of as such.

2. So far as Civil Application no.2451 of 2002 filed by respondent no.5 Arvind S. Dhamdhere is concerned, we grant him liberty to approach the Collector, Pune with appropriate application for refund of deposit amount, if any due to him. Learned counsel for the applicant states that he will make this application within a period of four weeks. If such application is made, Collector shall dispose it of as expeditiously as possible and at any rate within a period of four weeks from the date of receipt of the said application by him, in acordance with law.

3. Writ Petition as well as Civil Application are disposed of in the aforesaid terms.

(Smt.Ranjana Desai)

(A.P. qeshpande)